

4/16/2019 11:48 am
For Online Publication Only
U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
ELIJA WHITTY,

Plaintiff,

-against-

SUFFOLK COUNTY CORRECTIONAL FACILITY,
et al.,

Defendants.

-----X
AZRACK, District Judge:

On March 6, 2019, incarcerated *pro se* plaintiff Elija Whitty (“plaintiff”) filed a complaint pursuant to 42 U.S.C. § 1983 in this Court together with an application to proceed *in forma pauperis*. However, plaintiff did not file the required Prisoner Litigation Authorization form (“PLRA”). Accordingly, by Notice of Deficiency also dated March 6, 2019 (“Notice”), plaintiff was instructed to complete and return the enclosed PLRA within fourteen (14) days from the date of the Notice. The Notice warned plaintiff that his failure to timely comply may result in the dismissal of his ion for failure to prosecute. (*See* Notice, ECF No. 3.) The Notice was mailed to plaintiff at his address of record, and has not been returned to the Court. To date, plaintiff has not responded to the Notice nor has he otherwise communicated with the Court about this case. Accordingly, the complaint is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that *in forma pauperis* status for the purpose of an appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962). The

Clerk of the Court is directed to mail a copy of this order to the plaintiff at his last known address and to mark this case closed.

SO ORDERED.

Dated: April 16, 2019
Central Islip, New York

/s/ (JMA)
Joan M. Azrack
United States District Judge